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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

STEFANIE PAONESSA, an individual;  
AMERICO PAONESSA, an individual,

Plaintiffs,

v.

SIERRA HEALTH AND LIFE INSURANCE  
COMPANY, INC., a Nevada corporation;  
INNOVATIONS LV, LLC, a Nevada Limited  
Liability Company; and DOES 1  
through 10, inclusive,

Defendants.

INNOVATIONS LV, LLC, a Nevada Limited  
Liability Company,

Crossclaimant,

v.

SIERRA HEALTH AND LIFE INSURANCE  
COMPANY, INC., a Nevada corporation; and  
DOES I through X, and ROE Business  
Entities I through X, inclusive,

Counterdefendants.

CASE NO.: 2:22-cv-2074-GMN-NJK

**ORDER TO EXTEND THE DEADLINE  
FOR THE PARTIES TO FILE THE  
JOINT PROPOSED DISCOVERY PLAN  
(FIRST REQUEST)**

Defendant/Crossclaim Defendant Sierra Health and Life Insurance Company, Inc.  
("Sierra Health"), Plaintiffs Stefanie Paonessa and Americo Paonessa ("Plaintiffs"), and  
Defendant/Cross-Claimant Innovations LV, LLC ("Innovations") (collectively, the "Parties"), by

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1 and through their undersigned counsel, hereby stipulate and agree to extend the deadline for the  
2 Parties to file the joint proposed discovery plan pursuant to LR 26-1, as directed in the Order dated  
3 December 27, 2022 (ECF No. 8). This is the Parties' first request.

4 1. Plaintiffs originally commenced this action by filing a complaint in the Eighth  
5 Judicial District Court, Clark County, Nevada, on September 22, 2022.

6 2. Plaintiffs filed an Amended Complaint on September 30, 2022. (ECF No. 1-1  
7 at pp 18-25.)

8 3. On October 27, 2022, Defendant/Cross-Claimant Innovations filed its Answer to  
9 Complaint and Crossclaim. (ECF No. 1-1 at pp. 1-17.)

10 4. On November 3, 2022, Sierra Health was served with the Crossclaim via the Nevada  
11 Division of Insurance. (*Id.*)

12 5. On November 15, 2022, Sierra Health was then served with the initial pleading,  
13 Plaintiffs' Amended Complaint, via the Nevada Division of Insurance. (ECF No. 1-1 at pp 18-25.)

14 6. While pending in the Eighth Judicial District Court, the Parties agreed, and  
15 documented their agreement in writing under the local rules of that court, to an extension of time  
16 for Sierra Health to respond to the Amended Complaint and the Crossclaim. The Parties believed  
17 the litigation of this action was best served by extending the response deadline so that Sierra Health  
18 has sufficient time to investigate and respond to the allegations in the pleadings following the timing  
19 issues related to service of the pleadings through the Nevada Division of Insurance and the  
20 intervening holidays.

21 7. On December 15, 2022, Sierra Health timely removed this action to federal court.  
22 (ECF No. 1.)

23 8. On December 16, 2022, Defendant/Cross-claimant Innovations consented to the  
24 removal. (ECF No. 5.)

25 9. With the removal to federal court and the application of this Court's rules, the Parties  
26 were preparing to file this stipulation in this Court, in accordance with LR IA 6-1 and 6-2, to extend  
27 the deadline for Sierra Health to respond to the pleadings.  
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10. The Parties simultaneously engaged in discussions regarding the possible resolution of certain issues and claims between and among them, which would narrow the dispute but may also result in divesting this Court of jurisdiction.

11. On December 27, 2022, this Court entered an order directing the Parties to submit a joint discovery plan by or before January 10, 2023. (ECF No. 8.)

12. To facilitate the resolution and narrowing of the issues, and for good cause on the issue of this Court's jurisdiction, the Parties hereby stipulate and agree to extend to February 28, 2023, the deadline to file the joint proposed discovery plan pursuant to LR 26-1, as directed in the Order dated December 27, 2022 (ECF No. 8).<sup>1</sup>

13. The Parties are optimistic that Sierra Health will be voluntarily dismissed with prejudice from the action, and that the remaining issues will concern only state law issues, and thus be subject to stipulated remand back to state court.

This is the first stipulation for an extension of time for Sierra Health to respond to the pleadings. This stipulation is made in good faith, and not intended to cause delay, and not filed for an improper purpose.

DATED this 11th day of January, 2023.

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<sup>1</sup> At the time of removal, the parties had not yet held an early case conference while the action was pending in state court, as permitted under NRCP 16.1(b)(2)(B). Thus, discovery had not yet commenced.

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, based on the Parties' stipulation above, that the deadline for the Parties to file the joint proposed discovery plan pursuant to LR 26-1, as directed in the Order dated December 27, 2022 (ECF No. 8) shall be extended to February 28, 2023.

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: January 12, 2023

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